

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

JOHN HEYKOOP D/B/A EAGLE
TOWING,

Plaintiff,

Case No.: 1:18-cv-00632

v

Hon. Robert J. Jonker

FIRST LIEUTENANT JEFFREY
WHITE; FIRST LIEUTENANT CHRIS
MCINTIRE.

Mag. Phillip J. Green

Defendants.

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**PLAINTIFF'S MOTIONS TO AMEND THE COMPLAINT AND FOR
PARTIAL SUMMARY JUDGMENT**

Plaintiff John Heykoop, by and through his attorneys, Fahey Schultz Burzych Rhodes PLC, hereby moves pursuant to Federal Rule of Civil Procedure 15(a)(2) to amend the complaint to add a claim for violation of substantive Due Process, and pursuant to Rule 56 for partial summary judgment on counts one (equal protection),

three (procedural due process) and four (civil conspiracy) pleaded in Plaintiff's complaint:

1. The proposed amended complaint would add a count for a violation of 42 U.S.C. sec. 1986 for violation of Plaintiff's substantive Due Process rights, and is based upon facts and information ascertained through discovery, which has recently been closed, and will not prejudice Defendants as it is based upon facts that already support Plaintiff's other claims.

2. There are no genuine disputes as to any material facts and Plaintiff is entitled to judgment as a matter of law as more fully set forth in Plaintiff's Brief in Support of Motion for Partial Summary Judgment and its attached exhibits.

3. The undersigned counsel certifies under W.D. Mich LCivR 7.1(d) that he has reviewed the matters set forth herein with opposing counsel, and this motion shall be opposed.

WHEREFORE, Plaintiff requests relief as follows:

- A. Plaintiff be permitted to amend his complaint to add a count alleging violation of his substantive Due Process rights;
- B. Plaintiff be granted summary judgment for counts 1 and 3 under Federal Rule of Civil Procedure 56; and

C. Defendants be immediately and permanently enjoined to place Plaintiff on their no-Preference Towing Lists and to follow Michigan State Police Official Order 48.

Respectfully submitted,

/s/ John S. Brennan
John S. Brennan (P55431)
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Attorney for Plaintiff
4151 Okemos Road
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Dated: April 1, 2019

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2019 I electronically filed the forgoing paper with the Clerk of the Court using ECF system which will send notification of such filing on the attorneys of record.

/s/ Adrienne Monahan
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